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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,458	12/06/2001	Yoshihiro Kono	CU-2751 RJS	4976

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LADAS & PARRY
224 SOUTH MICHIGAN AVENUE, SUITE 1200
CHICAGO, IL 60604

EXAMINER

HARRINGTON, ALICIA M

ART UNIT PAPER NUMBER

2873

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,458

Applicant(s)

KONO, YOSHIHIRO

Examiner

Alicia M Harrington

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-- Th MAILING DATE of this communication appears n the cover sheet with the correspondence addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Plummer (US 3,872,749).

Regarding claim 1, Plummer discloses a working method for making a Fresnel optic master die to produce Fresnel molding grooves (see figure 5; col. 8, lines 49-68, and col. 9- col. 10) having wall surfaces where the cutting tool (20; see figure 2) has one piece of an edge line continuing to blade the cutting edge; and the blade end had formed therein a notch (indentation) portion which connects one piece of edge line and another piece of edge line. The relative rotation movement (col. 9) around the centerline of the die is made in the original die plate with the cutting edge used to produce the Fresnel molding grooves using the notched portion.

Regarding claim 2, see claim 1. In addition, see figure 4 and 5. The working method produces the convexities/concavities by the notched portion of the cutting tool (20).

Regarding claim 3, Plummer discloses a cutting tool where the cutting tool (20; see figure 2) has one piece of an edge line continuing to blade in is the cutting edge; and the blade end had formed therein a notch (indentation) portion which connects one piece of edge line and another piece of edge line (see figure 5; col. 3, lines 49-67; col. 8, lines 49-68, and col. 9- col. 10).

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Regarding claim 4, see claim 1. In addition, see col. 8, lines 48-50). Plummer discloses a die for working a Fresnel lens.

Regarding claim 5, see claim 4. In addition, the method of produce the Fresnel lens pattern is used to make a mold or die (see col. 8, lines 48-55).

Regarding claim 6, Plummer discloses Fresnel lenses can made from the disclosed method in the known ruling machine (see col. 2, lines 40-45 and col. 8, lines 48-55).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3,6, are rejected under 35 U.S.C. 102(b) as being anticipated by Meyers et al (US 5,638,212).

Regarding claim 1,3,6 Meyers discloses a method of manufacturing a diffractive surfaces profile (Fresnel) using a cutting tool which is worked to form a Fresnel mold wall surface having lens surfaces and non lens surfaces where the cutting tool has a blade end and a pair of line edges continuing to the blade end (see figure 21) wherein one piece of the line edge is constructed as the cutting edged for the wall surfaces and the blade end is notched (see also col. 17, lines 5-55 and col. 18, lines 12-35).

Response to Arguments

5. Applicant's arguments filed 8/5/03 have been fully considered but they are not persuasive. Applicant argues that Plummer description at column 9 can be interpreted to say the cutting tool uses different edge lines to generate wall surfaces corresponding to a non-lens and

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lens surfaces. However, the Examiner is unclear as to why applicant maintains this assertion and applicant never attached the drawing to truly explain applicant's point of view. Further, the specification never stated or supported applicant's assertion, but the specification does support the use of a cutting tool with one piece of an edge line continuing to a blade end as cutter (see figure 2) with a notched formed therein. The specification at col. 9 –col. 10, also supports the cutting tool forming a lens element and wall surface. As for applicant's arguments in regards to Meyer et al (US 5,638,212), applicant asserts Meyers is silent with respect to the lens and non-lens surfaces of the Fresnel lens is cut. Again, the Examiner must respectfully disagree. At Col. 17, lines 1-35 for example, Meyers discusses how the rotation of the edged cutting tool is used to form a lens and non-lens surface as exhibited in figure 21. Meyers figures 17-21, detail the types of cutting tools and the formation of lens and non-lens surfaces using the cutting tool edge. Thus the rejection will be repeated.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Harrington whose telephone number is 703 308 9295.

The examiner can normally be reached on Monday - Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703 308 4883. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



AMH

Alicia M Harrington
Examiner
Art Unit 2873



Georgia Epps
Supervisory Patent Examiner
Technology Center 2800